

**MINUTES OF THE
STATE WATER DEVELOPMENT COMMISSION**
Tuesday, November 17, 2015 – 3:04 p.m. – Room 30 House Building

Members Present:

Sen. Margaret Dayton, Senate Chair
Rep. Keith Grover, House Chair
Sen. David P. Hinkins
Sen. Jani Iwamoto
Sen. Scott K. Jenkins
Sen. Kevin T. Van Tassell
Rep. Joel K. Briscoe
Rep. Melvin R. Brown
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Don L. Ipson
Rep. Kay L. McIff
Rep. Michael E. Noel
Comm. LuAnn Adams
Mr. Tage Flint
Mr. Jay Mark Humphrey
Ms. Voneene Jorgensen

Mr. Joseph Paulick
Mr. Warren Peterson
Mr. Gene Shawcroft
Exec. Dir. Alan Matheson

Members Absent:

Mr. Dallin W. Jensen
Mr. Darrell H. Mensel
Exec. Dir. Mike Styler
Mr. Ron Thompson
Comm. David Ure
Mr. Boyd Workman

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. RuthAnne Frost, Associate General Counsel
Ms. Katie LeFevre, Legislative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Commission Business

Chair Dayton called the meeting to order at 3:05 p.m. Mr. Jensen and Mr. Mensel were excused from the meeting.

MOTION: Rep. Grover moved to approve the minutes of the October 20, 2015, meeting. The motion passed unanimously with Rep. Briscoe absent for the vote.

2. Gold King Mine Spill Update

Mr. Craig Anderson, Assistant Attorney General, Utah Office of the Attorney General, discussed the condition of other mines near the Gold King Mine. Mr. Anderson informed the commission that the mine spill was an uncontrolled release. He explained the events leading to the Gold King Mine Spill, the impact of the released pollutants, and the Office of the Attorney General's response to the mine spill. He informed the commission that the Department of Environmental Quality's request for reimbursement is currently being processed by the Environmental Protection Agency.

Chair Dayton asked that the Utah Office of the Attorney General present an additional update to the State Water Development Commission during the next interim.

3. Environmental Protection Agency Waters of the United States Ruling

Mr. Parker Douglas, Chief of Staff and Federal Solicitor, Utah Office of the Attorney General, explained that Utah joined a collective lawsuit regarding the Environmental Protection Agency's ruling on waters of

the United States. He told the commission that the lawsuit will not be heard as multidistrict litigation. He said the Sixth Circuit Court ruled that the Environmental Protection Agency did not have the authority to enact the rule.

Chair Dayton asked Mr. Douglas to provide the commission with future updates regarding the Environmental Protection Agency's ruling on waters of the United States.

4. Colorado River and Utah / Nevada Water Issues

Rep. Briscoe discussed the 2009 Secure Water Act and the 2012 Bureau of Reclamation study. He identified certain concerns based on the findings of the study.

Mr. Steve Ericson, Great Basin Water Network, explained that the Great Basin Water Network is part of a coalition that represents local governments, ranchers, tribes, and business people. He shared an update of state court cases in the past year regarding the Southern Nevada Water District.

Mr. Eric Millis, Director, Utah Division of Water Resources, explained the collaborative management of the Colorado River. He said that the National Academy of Sciences requested to participate in studying the Colorado River and that other states are concerned about the request. He outlined the concerns of the various stakeholders.

5. Draft Legislation "Water Rights Adjudication Amendments"

Mr. John Mabey, Partner, Mabey, Wright, and James; explained that draft legislation "Water Rights Adjudication Amendments" (2016FL-0592/008) is similar to a draft approved by the Executive Water Task Force. He emphasized that the water adjudication process needs to be streamlined.

Mr. Boyd Clayton, Deputy Director, Utah Division of Water Rights, informed the commission that he is presenting on behalf of Mr. Kent Jones, State Engineer, who is out of town. He explained that he has been working within the Division of Water Rights and with the Governor's office to improve the process of adjudication. He said that adjudication is an important process to maintain records of water rights. He explained that the current process is very costly.

Mr. Blake Bingham, Adjudication Program Manager, Division of Water Rights, presented the highlights of draft legislation "Water Rights Adjudication Amendments." He explained the background and purpose of state adjudication. He stated that the proposal adjusts the sequence of the hydrographic survey, allows for a water user's claim to be submitted electronically, creates a list of unclaimed rights, clarifies the consequences of failure to file a timely claim, discourages claimants from asserting unclaimed rights, removes unnecessary requirements, allows the state engineer to grant an extension, and requires claimants to update information.

6. Other Commission Business

Sen. Dayton reviewed the various topics the commission has discussed and studied during the 2015 interim. She informed the commission that the chairs will send a letter to the Speaker of the House and President of the Senate reporting on the efforts of the State Water Development Commission.

7. Adjourn

MOTION: Rep. Brown moved to adjourn the meeting. The motion passed unanimously with Sen. Hinkins, Sen. Van Tassell, Rep. Briscoe, Rep. Duckworth, Rep. Ipson, and Rep. Grover absent for the vote.

Chair Dayton adjourned the meeting at 5:02 p.m.